

REMARKS

This amendment is in response to the Official Action mailed January 3, 2002.

The Examiner rejected claims 2, 3, 7, 11, 12, 20 and 21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of Applicant's intention. The Examiner also rejected claims 1, 4-7, 9, 10, 13-16, 18, 19, 22-25 and 27 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,715,403 ("Stefik"). In addition, the Examiner rejected claims 8, 17 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Stefik in view of U.S. Patent No. 5,247,575 ("Sprague").

Applicant has amended claims 1, 2, 3, 5, 7, 10, 11, 12, 14, 16, 19, 20, 21, 23 and 25 to clarify Applicant's invention. The Applicant also has corrected several typographical and grammatical errors in the specification. In addition, Applicant has submitted concurrently with this Amendment a request to amend the drawings to add several missing reference numerals. No new matter is added by this amendment or request.

With respect to the rejection of claims 2, 3, 11, 12, 20 and 21 under Section 112, second paragraph, the Examiner contends that it "is not clear as to what is being claimed with regard to 'a distribution-service-identifying-information database . . . and/or what is 'distribution-service-identifying-information.'" The Applicant has amended these claims to replace "distribution-service-identifying-information database" with "program identification-information database." Program identification-information database is the same phrase used to identify this database in Applicant's specification and drawings. For example, this phrase is used to describe this database in FIG. 2. Also, the specification states that "the copyright management apparatus 104 is provided with a program-identification-information database 1041 for storing program

identification information among the program arrangement information input through the arrangement terminal 101." (Application, p. 18, ln. 23 - p. 19 ln. 3, emphasis added.)

With respect to the "distribution-service-identifying-information," this information is among the information stored in the "program-identification-information database." As explained in the specification:

The program identification information stored in the program-identification-information database 1041 includes a service ID, an event ID, and a broadcasting time. These information items are grouped as one set, and a number of sets are entered correspondingly to contents IDs.

(Application, p. 19, lns. 8-12, emphasis added.)

With respect to claim 7, the Examiner contends that "it is not clear as to whom the contents are distributed." Applicant has amended this claim to recite that "the contents are enciphered and distributed to said receiving side." Applicant has similarly amended claims 16 and 25.

Applicant respectfully requests, therefore, that the Examiner's rejections of claims 2, 3, 7, 11, 12, 20 and 21 under 35 U.S.C. § 112, second paragraph, be withdrawn.

With respect to the rejection of claims 1, 4-7, 9, 10, 13-16, 18, 19, 22-25 and 27 under 35 U.S.C. § 102(a) as being anticipated by *Stefik*, Applicant respectfully requests that this rejection also be withdrawn. Contrary to the Examiner's contention, *Stefik* does not disclose or suggest a "copyright management means" as recited in independent claims 1, 10 and 19.

Stefik discloses a "system for controlling use and distribution of digital works . . . [which] allows the owner of a digital work to attach usage rights to their work." (Abstract.) Although the Examiner contends that *Stefik*

discloses "copyright management means" at col. 7, lines 34-41," this section simply states:

Repository 1 checks the usage rights associated with the digital work to determine if the access to the digital work may be granted, step 105. The check of the usage rights essentially involves a determination of whether a right associated with the access request has been attached to the digital work and if all conditions associated with the right are satisfied. If the access is denied, repository 1 terminates the session with an error message, step 106. If access is granted, repository 1 transmits the digital work to repository 2, step 107. Once the digital work has been transmitted to repository 2, repository 1 and 2 each generate billing information for the access which is transmitted to a credit server, step 108.

(Stefik, col. 7, lns. 35-47.)

As described in Applicant's specification, the granting or denying of access to a digital work based upon usage rights is not "copyright management." Also, the function of billing a repository for access to a digital work also is not "copyright management." Such a billing function is similar to the function of the "customer management center 6" of Applicant's specification. This customer management center bills "receiving facility 4" for a selected digital work after the receiving facility downloads the work. See, for example, Figure 1 in which an arrow labeled "Bill" points from customer management center 6 to receiving facility 4. In Applicant's invention, however, this billing information then is transmitted from the customer management center to the copyright management means which performs the copyright management.

The copyright management means is described in Figures 1 and 2, and a description of the functions of this means is included in the flow diagram of Figures 11 and 12. As described in these figures and as explained in the specification, based upon the information stored in program identification-

information database 1041 and copyright information database 1042, copyright management apparatus 104 manages the obligations owed to the owners of the copyrights in the digital works as a result of the downloading of these works.

As explained in Applicant's specification, when a digital work is downloaded, the receiving facility's payment for the downloading must be shared among a number of parties including the copyright owners. Complicated formulas and arrangements must be managed to properly perform this function. In a distribution system involving numerous receiving facilities and innumerable downloading events, such managing is a huge and expensive undertaking. Copyright management apparatus 104 automatically handles this undertaking. As the specification states:

The customer management computer 6a in the customer management center 6 sends sales-amount data indicating the same amount of money as the viewing fee billed to the subscriber to the copyright management apparatus 104 in the distribution apparatus 1, and also sends the purchase record (service ID and event ID) and the customer information to the copyright management apparatus 104 in a step S118. . . . The copyright management apparatus 104 tallies up the data sent from the customer management center 6, and determines a copyright fee for each copyright holder according to the tally result in a step S119. More specifically, the CPU 1043 (Fig. 2) of the copyright management apparatus 104 searches the program-identification-information database 1041 (Fig. 2) according to the service ID and the event ID sent from the customer management center 6 to obtain the corresponding contents ID. The CPU 1043 then searches the master database 1042a of the copyright-information database 1042 according to the obtained contents ID to obtain the copyright holder and the copyright-fee ratio. The CPU 1043 calculates a copyright fee from the sales price and the copyright-fee ratio and obtains the cumulative total as the copyright-fee payment corresponding to the contents ID in the sales-history database 1042b of the copyright-information database 1042. The CPU 1043 also records the customer information received from the customer management

center 6 as the sales record corresponding to the contents ID in the sales-history database 1042b of the copyright-information database 1042, and adds the sales money data received from the customer management center 6 to the cumulative sales money total.

(Specification, p. 59, ln.5 - p.60, ln. 2.)

Stefik neither discloses nor suggests such a copyright management means. *Stefik* only discloses a system for billing the customer for use of the digital work. Applicant's independent claims 1, 10 and 19, therefore, are neither disclosed nor suggested by *Stefik*. Since Applicant's remaining claims, namely, claims 2-9, 11-18 and 20-27 all depend upon either claim 1, 10 or 19, these claims also on neither disclosed nor suggested by *Stefik*. In addition, Applicant's new claims 28-51 also are directed to a copyright management system or method and, therefore, also are neither disclosed nor suggested by *Stefik*.

With respect to the rejection of claims 8, 17 and 26 under 35 U.S.C. § 103, *Sprague* does not overcome any of the deficiencies of *Stefik*. Like *Stefik*, *Sprague* discloses an "information distribution system [which] provides information to a user, when the information corresponds to criteria individually selected by the user, and then charges the user only for the selected information as provided." (Abstract.) *Sprague* states:

According to still another feature of the present invention, the IP's [information packages] stored in the first storage device each includes an unique IP identifier, such as an identifying title, author and source citation or an identifying number code. The accumulator device stores the identifier of each IP that is transferred to the second storage device. This IP identifier information can be made available to the user and/or can be transmitted via a telephone line to a host computer at a central accounting office so that use statistics may be compiled and payments may be made to the creators of the respective IP's.

(Sprague, col. 6, lns. 5-16.)

Sprague, however, provides no disclosure of the manner in which payments "to the creators in the respective IP's" are compiled and made. Presumably, these payments are compiled by hand from a printout of the statistics from the host computer. Sprague, therefore, also provides no disclosure or suggestion of a copyright management means or system as recited in Applicant's amended and new claims.

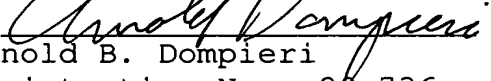
For all the foregoing reasons, therefore, Applicant respectfully requests that the Examiner's rejection of claims 1-27 under 35 U.S.C. §§ 102(a) and 103 be withdrawn and that these claims, and Applicant's new claims 28-51, be allowed.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If for any reason the Examiner does not believe that such action can be taken at this time, however, she is respectfully requested to telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which she may have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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